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**Certification Under 37 CFR 1.10**

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I hereby certify that this paper or fee is being deposited with the United States Postal Service in "Express Mail Post Office to Addressee" service under 37 CFR 1.10 on the date indicated above and is addressed to the Commissioner of Patents and Trademarks, Washington, D.C. 20231.

Anita Davis  
Anita Davis

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In re Application of: W. Scott HEMPHILL

For: METHOD AND APPARATUS FOR REPAIRING CONCRETE

Atty. Docket No.: 1367.003

PTO Customer No.: 023907

**REQUEST TRANSMITTAL UNDER 37 CFR § 1.53(b)**

Honorable Assistant Commissioner  
of Patents  
Washington, D. C. 20231

Dear Sir:

This is a request for a \_\_\_\_ continuation or X a divisional application under 37 CFR §1.53(b), of prior application Serial No. 09/439,650, filed on November 12, 1999, and entitled METHOD AND APPARATUS FOR REPAIRING CONCRETE.

Enclosed please find:

1. X Specification including 18 pages;
2. X Abstract - 1 page;
3. X Claims 1 through 31;
4. X Drawings - 4 sheets of formal drawings;

CLAIMS	FOR	NUMBER FILED	HIGHEST NUMBER PREVIOUSLY PAID FOR	NUMBER EXTRA	RATE	TOTAL DUE
	TOTAL CLAIMS (37 CFR §1.16(c) or (j))	31 - 20	31	-0-	X \$18.00	\$ -0-
	INDEPENDENT CLAIMS (37 CFR §1.16(b) or (i))	6 - 3	6	-0-	X \$80.00	\$ -0-
				BASIC FEE  (37 CFR §1.16)		\$ 710.00
			TOTAL OF ABOVE CALCULATIONS			\$ 710.00
	Reduction by 50% for filing by small entity (Note 37 CFR §1.27)					\$ 355.00
	TOTAL					\$ 355.00

13. X The Commissioner is hereby authorized to credit overpayments or charge the following fees to Deposit Account No. 14-1080:
- a. X Fees required under 37 CFR §1.16.
  - b. X Fees required under 37 CFR §1.17.
  - c. \_\_\_\_\_ Fees required under 37 CFR §1.18.
14. X A check in the amount of **\$355.00** is enclosed.
15. \_\_\_\_\_ Payment by credit card. Form PTO-2038 is attached.
16. \_\_\_\_\_ Applicant requests suspension of action under 37 CFR §1.103(b) (fee under 37 CFR §1.17(i) enclosed).
17. X New Attorney Docket Number: 1367.003  
*[Prior application Attorney Docket Number will carryover to this CPA unless a new Attorney Docket Number has been provided herein.]*
18. a. \_\_\_\_\_ Receipt for Facsimile Transmitted CPA (PTO/SB/29A)
- b. X Return Receipt Postcard *(Should be specifically itemized, see MPEP 503)*
19. \_\_\_\_\_ Other: \_\_\_\_\_

5. X Declaration and Power of Attorney:

- a. \_\_\_\_\_ New Declaration and Power of Attorney enclosed; or
- b. X Previously submitted with parent application, copy attached.

6. X Small Entity Declaration:

- a. \_\_\_\_\_ New Small Entity Declaration enclosed; or
- b. X Previously submitted with parent application, copy attached.

7. \_\_\_\_\_ Assignment to (not assigned):

- a. \_\_\_\_\_ Enclosed with check in the amount of \$40.00 for recording fee; or
- b. \_\_\_\_\_ Previously filed with parent application, Recorded on \* at Reel \* and Frame \*, copy attached.

8. \_\_\_\_\_ Enter the unentered amendment previously filed on \_\_\_\_\_ under 37 CFR §1.116 in the prior nonprovisional application.

9. X A preliminary amendment is enclosed.

10. \_\_\_\_\_ This application is filed by fewer than all the inventors named in the prior application, 37 CFR §1.53(d)(4).

- a. \_\_\_\_\_ **DELETE** the following inventor(s) named in the prior nonprovisional application: \_\_\_\_\_
- b. \_\_\_\_\_ The inventor(s) to be deleted are set forth on a separate sheet attached hereto.

11. \_\_\_\_\_ A new Power of Attorney or authorization of agent (PTO/SB/81) is enclosed.

12. X Information Disclosure Statement (IDS) is enclosed:

- a. X PTO-1449
- b. \_\_\_\_\_ Copies of IDS Citations.

**NOTE:** The prior application's correspondence address will carry over to this CPA UNLESS a new correspondence address is provided below.

20. New Correspondence Address:

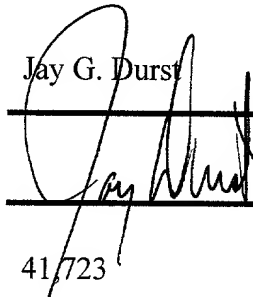
Name:					
Address:					
City:				State:	
Country:		Telephone:		Facsimile:	

21. SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT REQUIRED:

Name:  
(Print/Type)

Jay G. Durst

Signature:



Reg. No.  
(Attorney/Agent)

41/723

Date:

10/16/01